

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MONRELL DONOVAN MURPHY,

Plaintiff,

v.

FLORES,

Defendant.

Case No. 1:23-cv-00740-NODJ-BAM (PC)

ORDER GRANTING DEFENDANT'S *EX PARTE* APPLICATION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT (ECF No. 24)

ORDER VACATING DEADLINE TO FILE RESPONSE TO COMPLAINT

Plaintiff Monrell Donovan Murphy ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant D. Flores for excessive force in violation of the Eighth Amendment and for retaliation in violation of the First Amendment. (ECF Nos. 12, 15.)

Pursuant to the Court's January 9, 2024, order finding service of the complaint appropriate and directing electronic service, Defendant's answer or other responsive pleading is due on or before March 11, 2024. (*See* ECF No. 16.)

On February 14, 2024, Defendant filed a motion under 28 U.S.C. § 1915(e)(2)(A) to revoke Plaintiff's *in forma pauperis* status. (ECF No. 20.) On March 6, 2024, the undersigned issued findings and recommendations to grant the motion to revoke Plaintiff's *in forma pauperis* and direct Plaintiff to pay the remainder of the initial filing fee in full to proceed with this action. (ECF No. 23.) Any objections are due within fourteen days of service of the findings and

1 recommendations. (*Id.*)

2 Currently before the Court is Defendant's *ex parte* application for an extension of time to  
3 respond to Plaintiff's complaint pending resolution of the motion to revoke Plaintiff's *in forma*  
4 *pauperis* status, filed March 7, 2024. (ECF No. 24.) Defendant requests that, in the interests of  
5 judicial economy, the Court continue the time for Defendant to answer the complaint until after  
6 Plaintiff's *in forma pauperis* status is resolved. Defendant requests an extension of thirty days  
7 until after resolution of the motion to revoke if it is denied, or after Plaintiff has paid the  
8 remainder of the filing fee if the motion to revoke is granted and Plaintiff is ordered to pay, to file  
9 a response to the complaint. (*Id.*)

10 Although Plaintiff has not yet had the opportunity to respond to the motion for extension  
11 of time, the Court finds a response unnecessary, and the motion is deemed submitted. Local Rule  
12 230(l).

13 The Court finds good cause to grant the requested extension of time. The deadline for the  
14 filing of a response to the complaint is vacated and will be reset as necessary and appropriate  
15 following resolution of the motion to revoke Plaintiff's *in forma pauperis* status.

16 Accordingly, IT IS HEREBY ORDERED as follows:

17 1. Defendant's *ex parte* application for an extension of time to respond to Plaintiff's  
18 complaint, (ECF No. 24), is GRANTED; and  
19 2. The deadline for Defendant to file a response to the complaint is VACATED and will be  
20 reset as necessary following resolution of the motion to revoke Plaintiff's *in forma*  
21 *pauperis* status.

22 IT IS SO ORDERED.  
23

24 Dated: March 8, 2024

25 /s/ Barbara A. McAuliffe  
26 UNITED STATES MAGISTRATE JUDGE  
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